




NOTES :

1. Area of D.E.R. Jurisdictional Wetlands on Site : 69.2 Acres
Area of D.E.R. Jurisdictional Wetlands Impacted : 0.0 Acres
2. Area of Isolated Wetlands on Site : 8.9 Acres
Area of Isolated Wetlands Impacted : 1.1 Acres

LEGEND

-  D.E.R. Jurisdictional Wetlands
-  Isolated Wetlands
-  Ditch

TAYLOR ENGINEERING INC
9086 CYPRESS GREEN DRIVE
JACKSONVILLE, FLORIDA 32256

Wetlands Map
BV-2C Dredged Material Management Area,
Brevard County, Florida

PROJECT C-9004

REVISION

SHEET 4 of 4

DATE Aug, 1992



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

October 26, 1995

Construction-Operations Division

TO WHOM IT MAY CONCERN:

Comments in reference to Public Notice PN-SPH-205 (originally issued July 13 1995, and re-issued August 28, 1995) addressed concerns about the proposed construction of the Dredged Material Management Area referred to as BV-2C.

A meeting to address these comments and concerns has been scheduled at 6:00 pm on November 6, 1995, at the Scottsmeer Fire Department. Representatives from the Florida Inland Navigation District and the U.S. Army Corps of Engineers will be present.

For those not familiar with the area, the Scottsmeer Fire Department's street address is 3724 Magoon Avenue, Scottsmeer, Florida. Directions to the Fire Department from I-95 are as follows. Take Exit 82 off of I-95, head east to U.S. Highway 1. Turn right (south) on U.S. Highway 1, go one block and turn left (east) on Magoon Ave. The Fire Department will be 1 1/2 blocks ahead on the left hand side of the road.

For additional information, please call Mr. Donald Fore at 904-232-3729.

FOR THE COMMANDER:

A handwritten signature in cursive script, reading "Giralmo Dichiaro", is positioned above the typed name.

GIRALMO DICHIAIRA
Chief, Construction-Operations
Division

DISTRIBUTION:

See Enclosed List

Distribution List:

Cee-Bee Groves, Inc.
Mims Citrus Growers Assoc.
Econ Trust
Patrick Maggio
Florida East Coast Railway Co.
Thomas L. Henderson, Jr.
Barbara B. Henderson
Lloyd D. & Jacqueline L. Lucas
James Lucas
Lawrence Lucas
David D. Holand
Horace C. and Barbara Meadows
Robert V. and Betty E. Cheney
Charles B. and Nancy K. Hendry
Wilfred Lee Pow
Frank E. Warren, Trustee
Henry F. & Daisy Blair
Sandy C. & Verna J. Sloan
Board of Commissioners, Brevard County
Flag Agency, Inc.
Henry Papini
Brevard County Manager
Scootsmoor Fire Department

MEMORANDUM FOR RECORD

SUBJECT: Public Meeting concerning Public Notice Number 205, Intracoastal Waterway (IWW), Jacksonville to Miami, Florida, Brevard County, Florida

1. The subject meeting was held 6 November 1995 at 1800 hours in the Scottsmeer Volunteer Fire Department, located at 3724 Magoon Avenue, Scottsmeer, Florida. The meeting lasted a little over 2 hours.

2. Public Notice Number 205, dated 13 July 1995, and later reissued 28 August 1995 covers the clearing and grubbing and dike construction of Dredged Material Management Area (DMMA) BV-2C along the IWW in Brevard County, Florida.

3. This Memorandum addresses the major topics discussed by concerned individuals attending the meeting, the Assistant Executive Director David Roach of the Florida Inland Navigation District (FIND), and Corps of Engineers representatives Don Fore, Bill Fonferek, and Hansler Bealyer. A copy of the sign-in sheet is enclosed. Everyone listed on the sign-in sheet will get a copy of this memorandum.

4. The meeting started with a presentation of the Long Term Dredged Management Plan for the IWW. Not too long ago dredged material was placed in the marsh or open water adjacent to the waterway. That activity has since been prohibited, forcing all material to be placed on the beaches (if it is beach quality), dumped offshore, or placed in upland sites. Finding upland parcels of undeveloped land large enough for constructing a dike in southern coastal Florida is becoming more and more difficult. Environmental regulations protecting the ever-increasing numbers of endangered and threatened species have caused considerable problems for the dredging operations. Since this is a Federal activity, the endangered species and cultural resource laws are much more restrictive (as compared to non-federal activities). As remaining undeveloped land is cleared and developed, the critical habitat for endangered species becomes reduced. Accordingly, FIND must act now to insure that in the future the land can be used as intended. The only way to do that is to clear DMMAs before more severe environmental regulations are passed.

There are over 60 of these proposed DMMAs along the 373 miles of the IWW in Florida. Site selection is not based solely on geographic location, but also involves consideration for environmental concerns and the least impact to surrounding communities. Generally, very few people openly welcome a DMMA in their community, and public meetings usually provide answers to

their questions which make them more comfortable with having a DMMA for a neighbor. Slides of DMMA DU-8 in Duval County were shown to give everyone an idea of what a completed DMMA would look like. Then it was explained how the site BV-2C was selected for this reach of the IWW in Brevard County. Several copies of the plan view for the proposed dike layout were circulated around the room.

5. Each of the major issues or topics discussed is presented in a concern/response format.

Concern: What is the frequency of dredging operations in this part of the waterway, what is the schedule for construction of the dike, and when would the first dredging operation occur?

Response: Based on historical information and existing depths, we anticipate that this part of the waterway would require dredging every 10-20 years. Dike construction is scheduled to commence next summer (1996). Dredging for this reach of the IWW will be scheduled to begin sometime after the dike is completed.

Concern: How much noise will be associated with the dike construction and dredging operations?

Response: Obviously there would be considerable noise associated with the dike construction because of the earth moving equipment on the site. Dredging is normally a 24-hour operation, and almost all noise normally associated with a dredging operation comes from the dredge plant's or booster pumps diesel engines. These large diesel engines will be out in the open water, not on the diked area itself. Future material removal from the diked area would be daylight operations only.

Concern: Comments were made that the material placed in the site would smell and attract a large number of birds.

Response: The smell of the dredged material is a function of the material being dredged, i.e. the organics, etc. The worst case scenario provided by Corps of Engineers field personnel liken the smell associated with the marsh at low tide. This smell should only occur in the initial stages of drying out, and should not be noticeable as long as water is ponded in the site during dredging. During a recent public meeting in Palm Beach County, none of the adjacent property owners recalled any objectionable odors associated with dredging operation done by the Town of Gulfstream. That particular DMMA site is located between two nice neighborhoods located within the town limits of Gulfstream.

Concern: How does this type of facility affect the adjacent property values? Many attendees felt that their property has been devalued permanently by the site.

Response: The Corps nor FIND has any data on the subject. FIND is committed to being a good neighbor. The DMMA will be a quiet undeveloped neighbor. There will be a vegetated buffer around the perimeter of the site so it will be not so noticeable. This site will help reduce overcrowding and overloading of the local infrastructure. Based on the concerns expressed in this and other meetings, public perception of DMMA's is not very good. A list of the adjacent property owners for two recently constructed sites (DU-2 and DU-8) will be sent to the all the attendees.

Concern: What will the buffer area and fence look like?

Response: The fence will be a 6-foot high galvanized chain link fence with barbed wire along the top. It will be set 3 feet back from the property line (or further back as required by the width of the existing ditching). The near edge of the dike will be set back 300 feet from the property line. A shallow perimeter ditch and a narrow access road will be included in this 300 foot buffer. The remaining distance (about 240 feet) will be the vegetated buffer. The orange grove will continue function in the buffer, and additional native trees will be planted to complete the vegetative buffer. The intent is to completely obscure the view of the dike. [landscaping plan?] The top of the dike is 18 feet above existing ground level.

Concern: The plan view for the dike layout showed a fence going across Aurantia Road. A couple of property owners use that route for access to their property.

Response: Based on this discussion, FIND made a concession by modifying the layout of the dike such that the fence will not go across Aurantia Road. In order to do so, the capacity of the dike had to be reduced slightly by eliminating the small extension of the dike that crosses Aurantia Road.

Concern: Several people were very concerned with their drinking water and what would dredging operation do to their drinking water. Apparently, there are already problems with the quality of drinking water in the area. Salt intrusion into the acquifers appears to be a problem. According to one individual (works as a well driller), there are two layers of clay in the area within 40 feet of the surface. Another person had good water at 28 feet. Another person had a deeper well that was too salty to use, and to pull it back back up to a shallower depth (50-75 feet) which still has to be treated.

Response: Obviously, this is a sensitive issue without any solid answers at this time. The ground water hydrology can not be modeled very well. We do not want to contaminate the drinking water in the area, and the best solution is to install several monitoring wells. These wells will provide information on the present quality of the drinking water, and therefor could be used as a reference standard. A layout of the proposed monitoring wells will be coordinated with the homeowners along Aurantia Road and Dixie Way. They are very concerned, and would like to be involved. The monitoring well layout will be designed so that it would provide early warning of contamination. If it appears that the surrounding drinking water will be contaminated during dredging operations, all activities will cease and all the water removed from the dike as soon as possible. Corrective action will be taken prior to the recommencement of dredging operations.

Concern: Will the water released from the dike be open water flow?

Response: No, all the water being discharged from the dike will flow through a pipe all the way past the rail road crossing. Therefore, there will be not any salty water standing in the ditch system.

Concern: At the conclusion of the meeting several people were steadfast in their position that they strongly disliked the idea of the DMMA coming into their community and stated that they were going to retain an attorney to (1) stop the project if they could and (2) get compensation for lost property values.

Response: We regret that their community was the one getting impacted, and it is certainly their right to retain an attorney.

t

District Engineer
P.O.Box 4970
Jacksonville Fl.

Robert V Cheney
3205 Aurantia Rd.
Mims Fl. 32754
Sept. 3, 1995
PHONE 407-383-4233

I am writing in regards to the project of placement of material dredged from the Intracoastal Waterway.

I feel that my wife and I will be greatly affected by the construction of this project, as this site is in front of my home. We live on the corner of Aurantia & Dixie Way. We are sure the stynch will be awful, besides all the birds this will bring. But most of all we are worried about our drinking water. When we was first introduced to this project, We was told by MR. DAVID ROACH that if the value of our property went down or if our water was infected in any way (FIND) would make it good. But after talking to him last week the story has completely changed. Now he says (We are going to do it and there is nothing you can do about it. We are not responsible for anything). I'm sure if this was any of your homes you would feel the way we do and would NOT want a dump in your front yard. I am requesting a Public Hearing.

Sincerly,

Robert V. Cheney
Robert V. Cheney
Betty E. Cheney

ref PN. 205

received 9-12-95

DB Fore

CONVERSATION RECORD

TIME

9:45

DATE

9-27-95

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☒ INCOMING

☐ OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO:

Pat Maggio

SUBJECT

PN 205

BU-2C

SUMMARY

He is faxing a letter to me concerning the subject PN. It sounded as if his one page letter was primarily going to address access to his property.

His fax was one page plus the cover sheet, although his cover sheet said "3" pages, but the heading at the top referenced the number of sheets we received. DBF

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

ATURE

TITLE

DATE

FAXTO: DONALD FORBES DATE: 9/28COMPANY: DEPT. OF NAVYFAX NUMBER: 904-232-3696SUBJECT: PROJECT BV-2CNUMBER OF PAGES (including cover sheet) 3COMMENT/MESSAGE _____

_____FROM: PATRICK M. MAGGIO

PHONE NO. (407) 521-2487

FAX (407) 578-3255

If you do not receive any part or only part of the transmitted material, please call (407)521-2487

HARD COPY OF FAX: WILL BE MAILED _____ WILL NOT BE MAILED _____

Patrick M. Maggio
6224 Lynette St.
Orlando, Florida 32809

September 16, 1995

Mr. Donald Fore
District Engineer
Department of the Navy
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

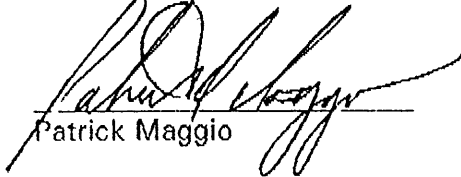
Dear Mr. Donald Fore,

This is in response to the Public Notice PN-SPH-205 received on July 20, 1995. The proposed project site, BV-2C "Material Management Area", is adjacent to my 3 acre property at the east end of Aurantia Road, see enclosed attachment "A". Several questions need to be addressed;

1. Access to my property will be "cut-off" with the proposed construction of a fence or berm along the perimeter of the site. The only access to my property is Aurantia road. What plans are in effect to allow me access to my property?
2. Will Aurantia road be abandoned east of the boundary line?
3. Or will a gate be installed for access by authorized personnel? Would I have access?
4. Will this construction eliminate the existing major east-west ditch on the north side of Aurantia Road?

These questions need to be answered in writing as soon as possible. I would also be interested in attending any public hearing that is initiated regarding this subject.

Sincerely,



Patrick Maggio

/pmm

CONVERSATION RECORD

TIME

10:10

DATE

9-11-95

TYPE

☐ VISIT

☐ CONFERENCE

☐ TELEPHONE

☐ INCOMING

☐ OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Frank Warren

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO:

(704) 295-9109

SUBJECT

PN 205

SUMMARY

1. Property Value Loss

1 Piece Property in his name

1 Piece Property from CB Groves had to wife
(being conveyed)

2. Wants a public hearing

Frank Warren

PO Box 1251

Blowing Rock, NC

28605

ACTION REQUIRED

He will write letter requesting Public Hearing

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

ATURE

TITLE

DATE

Date 24 Oct 1995

ROUTING AND TRANSMITTAL SLIP**TO:** (Name, office, symbol, room number,
building, Agency/Post)**Initials****Date****1. Don Fore, CESAJ-CO-0****2.****3.****4.****5.**

X	Action		File		Note and Return
	Approval		For Clearance		Per Conversation
	As Requested		For Correction		Prepare Reply
	Circulate		For Your Information		See Me
	Comment		Investigate		Signature
	Coordination		Justify		

REMARKS

Don:

Enclosed herewith is letter dated 18 Oct 95 from Mr. Frank E. Warren, Sr., regarding public hearing on BV-2C.

In view of the letter being addressed to Col. Rice, you may want to consider providing an interim response (under Col. Rices' signature), considering a public notice has been published and copy of said notice was addressed to Mr. Warren.

After the public meeting, of which Mr. Warren will in all likelihood attend and present a position, the District can then provide a formal response as necessary.

Request that RE be included on the routing for correspondence relating to this action.

DO NOT use this form as a **RECORD** of approvals, concurrences, disposals, clearances, and similar actions

FROM:(Name, org.symbol, Agency/Post)
Hansler Bealyer, CESAJ-RE-A**Room No. - Bldg.**

#876

Phone No.

X1178

OPTIONAL FORM 41 (Rev.7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

RE Susp: GNN95

Frank E. Warren, Sr.

10-18-95

Dept of the Army
Jacksonville Dist Corps of Eng.
P.O. Box 4970
Jacksonville, FL 32232-0019
Attention: Colonel Rice

I have not received a response to my
9-24-95 letter to you requesting a public
hearing re BV-2C.

This project has drastically reduced the
market value of my wife's real estate.
Enclosed please find a copy of my brokers 9-18-95
letter confirming our loss, however I contend
that our losses will be much greater than
his estimates.

Because your project is causing us a
significant financial loss, I am seeking
restitution. I had rather settle this out of
court and without attorneys involved.

To settle this out of court you may offer
us compensation for our losses, or you may

Frank E. Warren, Sr.

make us an offer to buy our entire acreage
to go with your project package.
For you to buy our acreage would seem
to make more sense both for us and
you.

I will await a reasonable period of
time, say 30 days, to give you an opportunity
to respond to this letter before I take
any further action.

Respectfully,

Frank E. Warren

FRANK AND MAYANNE WARREN
P.O. BOX 1251
BLOWING ROCK, NC 28605

RECEIVED

OCT 23 1995

COE-REAL ESTATE DIV.

704 295-9109



Flag Agency, Inc.
840 Garden Street
Titusville, Florida 32796
Fax (407) 267-9430
Bus. (407) 267-3600

September 18, 1995

Frank E. Warren
P.O.Box 1251
Blowing Rock, NC 28605-1251

RE: Brevard County Real Property Known As: Aurantia Road
lots 1.02, 1.05 & 1.06 and 31.6 acres known as
Township-20, Range-35, Section-18, Indian River Park
Replat Block-41 & 56, Lot-A and Vacated street between
Lot-A and Block-38.

Dear Mr. Warren:

I have been a real estate broker serving the community of North Brevard since 1980. During that time, I have been involved in the sale of an above average amount of vacant land in the subject area and I consider myself to be very knowledgeable with respect to land sales in the Mims/Scottsmeer area.

With regards to the fair market value of your property, please consider the following:

- 1: The most likely comparable sale for your 31.6 acre parcel is located approximately two miles to the south on Lionel Rd. The site consists of 30.22 acres similar in elevation and previously farmed with citrus. The grove has been in a non-productive status since the 1980's freezes. This parcel does not have as much road frontage however, it is located in an area of fine homes making it more desirable for residential use. The public road is paved to a point within 330 feet of the property. The public road fronting this property is a county maintained dirt road.

This property was on the market for six months at \$115,000.00 and sold for \$105,000.00 on January January 13, 1995. = \$3274.52 per acre.

2. Your three 1 acre parcels on Aurantia Rd. have been on the market several years at \$10,500.00. Since the Federal Government bought adjoining land for a salt water silt dump, no lots have sold.



Proudly Serving North Brevard Since 1973

Each Office is Independently Owned and Operated

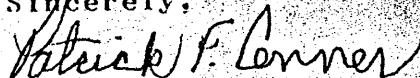
Some of the problems we are running into marketing your property, are as follows.

1. Buyers concerns of odor and fecal matter from birds drawn to the dump site.
2. Unsightly berms or mounds of dirt from the dredging operation with concerns of blowing sand.
3. Concerns of shallow wells being contaminated with salt from the dredged matter.

All of these concerns are real and pose a serious marketing problem. In my opinion, the adjoining dump site has adversely affected the fair market value of your property by \$2,000.00 per lot for the Aurantia Rd. lots and \$1,000.00 per acre on the 31.6 acre parcel.

In order to successfully market your property, I would suggest you reduce the asking price of your three remaining Aurantia Rd. lots to \$8,500.00 for the two 1 acre lots and \$9,500.00 for the 1.3 acre Aurantia lot. In addition to that, you should consider reducing the price of the 31.6 acre parcel to \$93,800.00.

Sincerely,



Patrick F. Conner
REALTOR

CONVERSATION RECORD

TIME
1610

DATE
7-28-95

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☒ INCOMING

☐ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

Jodie Rosier

FLA HUDSON SOCIETY

407 260 8300

SUBJECT

PN 203

PN 204

PN 205

ROUTING

NAME/SYMBOL

INT

SUMMARY

She wants Townships & Ranges for all 3 PN's

- PN 203

DU-9 Section 19, T 3 S, R 29 E

SJ-14 Sections 5 & 6, T 5 S, R 29 E Also to N Sect 31 & 32 T 4 S R 29 E
to S Sect 7 & 8 T 5 S R 29 E

- PN 204

DU-3/4 Section 35, T 1 N, R 28 E

PN 205

BV-2C Section 19 & 20, T 20 S, R 35 E (Bernardo Segui Grant)

ACTION REQUIRED

Call her back Monday with info
Include Townships & Ranges in future PN's

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Donald B Fore

Donald B Fore

7-28-95

ACTION TAKEN

@ 0805 hours 31 July 1995 I called, leaving information with Terry to give to Jodie

ATURE

TITLE

DATE

Donald B Fore

7-31-95

Patrick M. Maggio
6224 Lynette St.
Orlando, Florida 32809

July 27, 1995
Girlando DiChiara
Chief, Construction-Operations Division
Department of the Navy
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. DiChiara,

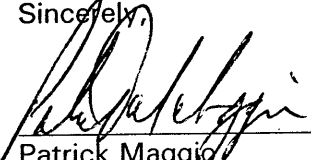
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2. Will Aurantia road be abandoned east of the boundary line?
3. Or will a gate be installed for access by authorized personnel? Would I have access?
4. Will this construction eliminate the existing major east-west ditch on the north side of Aurantia Road? Will a culvert be constructed under the berms?

These questions need to be answered in writing as soon as possible. I would also be interested in attending any public hearing that is initiated regarding this subject.

Also, I did not receive the entire Public Hearing Notice. I only received 3 pages of the letter and two drawing sheets. Please re-submit a complete Notice package if possible.

Sincerely,



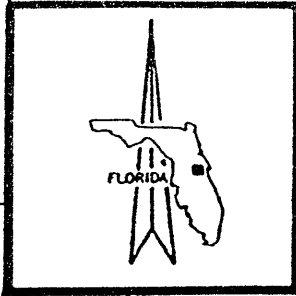
Patrick Maggio

/pmm

ATTACHMENT A

90°52'30"

28°45'00"



28°45'00"

80°52'30"

**BV-2C Dredged
Material
Management
Area**

PIPELINE
EASEMENT

3 ACRE
PROPERTY

I N D I A N
R I V E R

REFERENCED

USGS MIMS, FLORIDA QUAD-
RANGLE 1949, REVISED 1970.
USGS OAK HILL, FLORIDA
QUADRANGLE 1949, REVISED
1970.



TAYLOR ENGINEERING INC

9086 CYPRESS GREEN DRIVE
JACKSONVILLE, FLORIDA 32256

**Location of Site BV-2C
Dredged Material Management Area
Brevard County, Florida**

PROJECT	C-9004
REVISION	
SHEET	1 of 4
DATE	Aug., 1992